



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reed Maltzman

Title: METHOD AND SYSTEM TO ENABLE A FIXED PRICE PURCHASE WITHIN AN ONLINE AUCTION ENVIRONMENT

Docket No.: 2043.040US1

Filed: March 28, 2001

Examiner: Timothy M. Harbeck

Customer No.: 21186

Serial No.: 09/820,574

Due Date: July 12, 2007

Group Art Unit: 3692

Confirmation No.: 2856

Commissioner for Patents

Attn: MAIL STOP ISSUE FEE

P.O. Box 1450

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Notice of Allowance Date:

April 12, 2007

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number: 21186

By Mark R. Vatuone

Mark R. Vatuone

Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Attn - MAIL STOP ISSUE FEE, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of July, 2007.

Lynnea M. Fedya
Name

Lynnea M. Fedya
Signature



S/N 09/820,574

PATENT

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Serial No.:	09/820,574	Group Art Unit: 3692
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COMMENTS ON STATED REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicant notes that the Examiner's Statement of Reasons for Allowance states that, for claims 1, 5, 7-11, 13-20, 22 and 30, the prior art does not teach or suggest each and every limitation of the aforementioned claims. The Applicant wishes to make of record that the prosecution history for the present application provides the proper record of which limitations of the claims the Applicant considers to be disclosed in the prior art. The fact that the Applicant did not argue that each and every limitation of the independent (and dependent claims) is not disclosed in the prior art should not be construed as an admission or acknowledgement that such limitations are in fact disclosed into the prior art, that such limitations have been surrendered during the prosecution of the application, and/or that each and every limitation of the independent claims of the present application is required to render these claims novel over the of the prior art of record.

Accordingly, the Applicant retains the right to obtain claims of broader scope (e.g., by way of a continuation, divisional, or broadening reissue application) based on the subject matter of the present application. For example, the Applicant retains the right to file applications based on the present application (including claims (1) in which certain or all limitations of the currently allowed claims are omitted, and (2) including the limitations that were examined in the current application, and which the Applicant did not expressly argue not to be disclosed in the prior art) without the Statement of Reasons for Allowance in the present application being regarded as a surrender to the prior art.

COMMENTS ON STATED REASONS FOR ALLOWANCE

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CONCLUSION

The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate prosecution of this application.

Respectfully submitted,

REED MALTZMAN

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-278-4046

Date 7/12/2007

By Mark R. Vatuone

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Lynnea M. Pedyk
Name

Lynnea M. Pedyk
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